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APPLICATION NO.	FILING DATE	. FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/990,268	11/23/2001	Isabelle Amonou	1807.1894	2410	
5514 FIT7PATRICK	7590 03/16/200 CELLA HARPER &	EXAMINER			
30 ROCKEFELLER PLAZA			JUNG, DAVID YIUK		
NEW YORK, NY 10112			ART UNIT	PAPER NUMBER	
			2134		
•			MAIL DATE	DELIVERY MODE	
			03/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)			
09/990,268	AMONOU ET AL.	AMONOU ET AL.		
Examiner	Art Unit			
David Y. Jung	2134			

-The MAILMND DATE of this communication appears on the cover sheet with the correspondence address HE REPLY FILED 05 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  Since place the application applicant must timely file one of the following replies; (f) an amendment effective, in the place the application in condition for allowance; (2) a Notice of Appeal with appeal fee) in condition to allowance; (2) a Notice of Appeal with appeal fee) and the place the application in condition for allowance; (2) a Notice of Appeal with appeal fee) in the place of the application in condition to allowance; (2) a Notice of Appeal with appeal fee) in the place of the application in condition of the application in condition on the file of the file rejection.  John Period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection on the common of the final rejection.  The period for reply expires on: (1) the mailing date of the final rejection on the common of the final rejection on the common of the final rejection on the final rejection of the final rejection on the common of the final rejection of the f		·	David 1: dailig		
Notice of Appeal and after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one or the following regiles: (1) an amendment, affidavit, or divelonce, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal se) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the period for reply explices on: (1) the mailing date of the final rejection.    The period for reply explices on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the saturoup period for reply explices on: (1) the mailing date of the final rejection.    Examiner Note: if box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP FOR 60.71().    Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee act forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed.		The MAILING DATE of this communication appo	ears on the cover sheet with the	correspondence add	ress
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the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 708.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee are been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee ander 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as et forth in (b) abow; if checked. Any reply received by the Office later than three months after the malling date of the final rejection, even if timely filed, nay reduce any earned patent term adjustment. See 37 CFR 1.704(b).  CINTICE OF APPEAL.  □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  MENDIMENTS  ■ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) have raise the issue of new matter (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They are not deemed to place the application in better form for appeal by materially reducing or simp	. X The this place a Retime	reply was filed after a final rejection, but prior to or or application, applicant must timely file one of the folloces the application in condition for allowance; (2) a Neequest for Continued Examination (RCE) in compliance periods:	n the same day as filing a Notice o wing replies: (1) an amendment, a otice of Appeal (with appeal fee) in ce with 37 CFR 1.114. The reply n	f Appeal. To avoid aba ffidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
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(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  2. ☐ Applicant's reply has overcome the following rejection(s):  3. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  4. ☐ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  5. ☐ Applicant's reply has overcome the following rejection(s):  6. ☐ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  8. ☐ Claim(s) allowed: none.  9. ☐ Claim(s) withdrawn from consideration:  8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after			but prior to the date of filing a brie	of will not be entered b	Acalica
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<ul> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)</li> <li>13. Other:</li> </ul>	10. 🔲 Tł	ne affidavit or other evidence is entered. An explanati	on of the status of the claims after	entry is below or attac	hed.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	11. 🛛 Th	ne request for reconsideration has been considered b	out does NOT place the application	in condition for allowa	nce because:
			. (PTO/SB/08) Paper No(s)		
	13. 🔲 O	ther:	$\mathcal{L}$	3/1	4/07

Continuation of 11. does NOT place the application in condition for allowance because: not persuasive. Applicant seems not to have addressed the exact argument of the Final Rejection. Barni was not cited to teach as Applicant seems to state. Upon Applicant addressing the exact argument (or an amendment), the claims can be further considered..

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